

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Develop  
Additional Methods to Implement the California  
Renewables Portfolio Standard Program.

Rulemaking 06-02-012  
(Filed February 16, 2006)

**ADMINISTRATIVE LAW JUDGE'S RULING SETTING  
PREHEARING CONFERENCE AND REQUESTING PREHEARING  
CONFERENCE STATEMENTS AND OTHER SUBMISSIONS**

**A. Notice**

A prehearing conference (PHC) in the above-entitled matter will be held before Administrative Law Judge (ALJ) Anne E. Simon, April 7, 2006, at 10:00 a.m., in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California. Questions about the PHC date, time, or place should be directed to the Calendar Clerk at (415) 703-1203. Parties desiring expedited or daily transcripts should advise the Chief Hearing Reporter by telephone at (415) 703-2288, no later than three days prior to the PHC.

The PHC will address three topics:

1. Issues for the scoping memo in this proceeding, arising from the comments on the preliminary scoping memo that were filed March 16, 2006;
2. Preparation for a limited evidentiary hearing (EH) on the use of contracts of less than 10 years in duration for the purchase of electricity from eligible renewable resources for compliance with the obligations of all load serving entities under the renewables portfolio standard (RPS) program;

3. Next steps in the consideration of the proposals for participation in the RPS program by energy service providers (ESPs), community choice aggregators (CCAs), small utilities, and multi-jurisdictional utilities, filed February 17, 2006.

## **B. PHC Statements**

It is apparent from the submissions to date in this proceeding that there is disagreement among the parties about the shape and scope of this proceeding. It is also apparent that some previously identified specific issues – including some issues discussed at the PHC held December 14, 2005 – continue to be the subject of disagreement. It is also not clear whether some respondents intend to participate in this proceeding.

In order to move this proceeding and the RPS program forward, some of these disagreements and issues should be addressed promptly. Further discussion of issues raised in the comments on the preliminary scoping memo would be useful. Although at the December PHC, several parties argued for an approach to contracting issues based on comments and workshops, a limited EH on contracting issues now appears to be the most expeditious way to address those issues. Such a hearing should take no more than two days. Finally, those respondents that have not yet filed requested documents should begin to participate in this proceeding or make clear their intention not to participate.

In order to make the PHC more productive, parties are requested to file and serve PHC statements of no more than 10 pages not later than Wednesday, April 5, 2006. The PHC statements should address:

1. Any topics emerging from the comments filed March 16, 2006 on the preliminary scoping memo included in the Order initiating this rulemaking that a party believes require further discussion prior to the issuance of the scoping memo.

2. Preparation for a limited EH on the issues associated with contracts of less than 10 years' duration. This section should include:
  - whether the party intends to serve testimony for the EH;
  - whether the party, if not intending to serve testimony for the EH, intends to cross-examine any witnesses at the EH;
  - the party's preference for dates for the EH, as between beginning the EH on Tuesday, May 2, or on Tuesday, May 9.

Parties should reserve their legal arguments on contracting issues for their post-hearing briefs.

### **C. Other submissions**

Those respondents that did not file proposals for participation<sup>1</sup> must state either in their PHC statements (or if they are not filing a PHC statement, in a separate document filed and served not later than April 5, 2006) whether they intend to seek leave to file proposals for participation late, or waive the right to file a proposal, or adopt a proposal for participation already filed by another party. Any respondent who did not file a proposal for participation and does not file and serve such a statement will be deemed to have waived the right to file or adopt a proposal.

Separate from the PHC Statements, those respondents that were required to but did not file Preliminary Renewable Portfolio Reports (extended date for

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<sup>1</sup> Avista Utilities; Central California Power; SoCal Water/Bear Valley Electric; American Utility Network; AOL Utility Corp.; APS Energy Service Company; CalPine Power America; City of Corona Department of Water & Power; Commerce Energy, Inc.; Constellation NewEnergy, Inc.; Coral Power, LLC; Energy America, LLC; New West Energy; Occidental Power Services; Pilot Power Group; Praxair Plainfield, Inc.; Sempra Energy Solutions; Strategic Energy, Ltd.; 3 Phases Energy Services.

filing was February 1, 2006)<sup>2</sup> must file and serve their reports not later than April 6, 2006.

**IT IS RULED that:**

1. A prehearing conference addressing the issues identified above will be held April 7, 2006, at 10:00 a.m., in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.

2. Parties may serve and file PHC statements of not more than 10 pages addressing the topics set forth above no later than April 5, 2006.

3. Respondents that have not filed proposals for participation must state either in their PHC statements (or if they are not filing a PHC statement, in a separate document filed and served not later than April 5, 2006) whether they intend to seek leave to file proposals for participation late, or waive the right to file a proposal, or adopt a proposal for participation already filed by another party.

4. Any respondent that did not file a proposal for participation and does not file and serve the statement identified in paragraph 3, above, will be deemed to have waived the right to file or adopt a proposal.

5. Respondents that have not yet filed Preliminary Renewable Portfolio Reports must file and serve their reports not later than April 6, 2006.

Dated March 27, 2006, at San Francisco, California.

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<sup>2</sup> Sierra Pacific Power Company; Avista Utilities; Central California Power; SoCalWater/Bear Valley Electric; American Utility Network; AOL Utility Corp.; City of Corona Department of Water & Power; Energy America, LLC; New West Energy; 3 Phases Energy Services.

/s/ ANNE E. SIMON  
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Anne E. Simon  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference and Requesting Prehearing Conference Statements and Other Submissions on all parties of record in this proceeding or their attorneys of record.

Dated March 27, 2006, at San Francisco, California.

/s/ ELVIRA NIZ

Elvira Niz

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.